

IN THE CIRCUIT COURT OF BUCHANAN COUNTY, MISSOURI

LLYOD DEMOSS
1300 South 11th Street,
Apartment 317
Saint Joseph, Missouri 64503

Plaintiff,

v.

TRIUMPH FOODS, LLC
D/B/A: Triumph Foods
5302 Stockyards Expressway
Saint Joseph, Missouri 64504

Serve Registered Agent:
Joseph Diebold
5302 Stockyards Expressway
Saint Joseph, Missouri 64504

Defendant.

Case No. _____

Division No. _____

PETITION FOR DAMAGES

COMES NOW Llyod DeMoss, hereinafter referred to as "plaintiff", by and through his attorney Russell C. Purvis of the Montee Law Firm, P.C. and for this cause of action against Triumph Foods, hereinafter referred to as "defendant states and alleges as follows:

FACTS COMMON TO ALL COUNTS

1. This is a cause of action for legal and equitable relief under the Missouri Worker's Compensation Law, RSMo. § 287.780.
2. The events giving rise to this cause of action occurred in the City of Saint Joseph, Buchanan County, Missouri; therefore venue is proper in this Honorable Court.
3. Plaintiff is and at all times relevant hereto was an individual residing in Buchanan County, Missouri.

EXHIBIT

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4. Defendant was, at all times relevant hereto, a foreign corporation in good standing in Missouri, with a location in Saint Joseph, Missouri, and can be served by service of process on its registered agent as set forth above.
5. Plaintiff was hired by and an employee of Defendant, starting on or about October 3, 2005.
6. Plaintiff was forty-six years of age on or about October 3, 2005.
7. Plaintiff was fifty-four years of age on or about July 25, 2014.
8. On or about February 14, 2014 Plaintiff was injured while on the job.
9. As a result of Plaintiff's injury referenced in paragraph eight(8), Plaintiff filed a workers' compensation claim.
10. Plaintiff was terminated by Defendant on or about July 25, 2014.

COUNT I
RETALIATORY TERMINATION PURSUANT TO R.S.MO § 287.780

11. Plaintiff incorporates by reference paragraphs 1-10.
12. Plaintiff's exercise of his rights pursuant to the laws of Missouri governing workers' compensation claim was a contributing factor to Plaintiff's termination by Defendant.
13. Plaintiff was terminated in violation of Mo. Rev. Stat. § 287.780.
14. As a result of Defendants' actions, Plaintiff has suffered, and will continue to suffer, lost wages and emotional distress all to his detriment in EXCESS OF TWENTY-FIVE THOUSAND DOLLARS AND 00/100 (\$25,000.00).

WHEREFORE, Plaintiff Lloyd DeMoss prays for judgement against Defendant Triumph Foods in an amount in EXCESS OF TWENTY-FIVE THOUSAND DOLLARS AND 00/100 (\$25,000.00) for his costs and expenses incurred, and for such other relief as this Honorable Court deems just and fair.

COUNT II
AGE DISCRIMINATION PURSUANT TO THE AGE DISCRIMINATION IN
EMPLOYMENT ACT, 29 U.S.C. § 621 ET. SEQ.

15. Plaintiff incorporates by reference paragraphs 1-14.
16. Between October, 2005 and July, 2014, Plaintiff, was demoted from his current position, and/or refused a promotion three (3) times.
17. Each time that Plaintiff was demoted and/or overlooked, the position was replaced by an individual, younger than Plaintiff.
18. In July of 2014 Plaintiff was terminated, and was replaced by an employee that was younger than Plaintiff.
19. Age was a substantial factor in demoting, denying promotion and eventual termination of Plaintiff, by Defendant.
20. Defendant's conduct as alleged constitutes discrimination based on age discrimination in violation of the Age Discrimination in Employment Act.
21. Defendant's stated reasons for dismissal are in fact false, but instead are pretext to hide Defendant's discriminatory animus towards Plaintiff.
22. As a result of Defendants' actions, Plaintiff has suffered, and will continue to suffer, lost wages and emotional distress all to his detriment in EXCESS OF TWENTY-FIVE THOUSAND DOLLARS AND 00/100 (\$25,000.00).

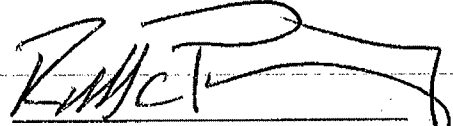
WHEREFORE, Plaintiff Lloyd DeMoss prays for judgement against Defendant Triumph Foods in an amount in EXCESS OF TWENTY-FIVE THOUSAND DOLLARS AND 00/100 (\$25,000.00) for his costs and expenses incurred, and for such other relief as this Honorable Court deems just and fair.

JURY TRIAL DEMANDED

Plaintiff demands a trial by jury on all issues so triable by law.

Respectfully submitted,

MONTEE LAW FIRM, P.C.

A handwritten signature in black ink, appearing to read 'R. Purvis', is written over a horizontal line.

RUSSELL C. PURVIS, MO #41386

10200 Holmes Road

Kansas City, Missouri 64131

(816) 942-3710 Phone

(816) 523-0084 Fax

rpurvis@monteelawfirm.com

ATTORNEY FOR PLAINTIFF



IN THE 5TH JUDICIAL CIRCUIT COURT, BUCHANAN COUNTY, MISSOURI

Judge or Division: RANDALL R JACKSON	Case Number: 15BU-CV03231
Plaintiff/Petitioner: LLOYD DEMOSS	Plaintiff's/Petitioner's Attorney/Address RUSSELL CLARK PURVIS MONTEE LAW FIRM, P.C. 10200 HOLMES ROAD KANSAS CITY, MO 64131
Defendant/Respondent: TRIUMPH FOODS, INC D/B/A TRIUMPH FOODS	Court Address: BUCHANAN CO COURTHOUSE 411 JULES ST SAINT JOSEPH, MO 64501
Nature of Suit: CC Other Miscellaneous Actions	STATUS REVIEW HEARING DATE: 12-17-15 @ 8:30AM, DIV 1

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: TRIUMPH FOODS, INC D/B/A TRIUMPH FOODS

Alias:

RA: JOSEPH DIEBOLD
5302 STOCKYARDS EXPRESSWAY
ST. JOSEPH, MO 64504

COURT SEAL OF



BUCHANAN COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

Monday, September 21, 2015

Date

/s/K. DOBOSZ, Deputy Clerk

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☐ other _____

Served at _____ (address)

in _____ (County/City of St JOSEPH), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$._____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 5TH JUDICIAL CIRCUIT COURT, BUCHANAN COUNTY, MISSOURI

Return

Judge or Division: RANDALL R JACKSON	Case Number: 15BU-CV03231	2015 SEP 25 PM 2:52 SEP 21 2015 CLERK OF CIRCUIT COURT JK (Date File Stamp)
Plaintiff/Petitioner: LLOYD DEMOSS	Plaintiff's/Petitioner's Attorney/Address RUSSELL CLARK PURVIS MONTEE LAW FIRM, P.C. 10200 HOLMES ROAD KANSAS CITY, MO 64131	
Defendant/Respondent: TRIUMPH FOODS, INC D/B/A TRIUMPH FOODS	Court Address: BUCHANAN CO COURTHOUSE 411 JULES ST SAINT JOSEPH, MO 64501	
Nature of Suit: CC Other Miscellaneous Actions	STATUS REVIEW HEARING DATE: 12-17-15 @ 8:30AM, DIV 1	

Summons in Civil Case

15-885

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Alias:

RA: JOSEPH DIEBOLD
5302 STOCKYARDS EXPRESSWAY
ST. JOSEPH, MO 64504

COURT SEAL OF



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☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
☐ other _____

Served at 5302 Stockyards (address)
 in Buc (County/City of St JOSEPH), MO, on 9/22/15 (date) at 1045
 (time).

DEPUTY LUIS DERRY

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____ Notary Public

Sheriff's Fees

Summons \$ _____
 Non Est \$ _____
 Sheriff's Deputy Salary \$ _____
 Supplemental Surcharge \$ 10.00
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
 Total \$ _____

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